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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,205	07/17/2003	Shoichi Iino	116304	1084

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EXAMINER

PHAN, THANH S

ART UNIT PAPER NUMBER

2841

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/621,205

Applicant(s)

IINO ET AL.

Examiner

Thanh S Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 9-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 1, 3-5, 16, 18, 19, 23 are objected to because of the following informalities: the claims recite "... a mechanical time-watch..." the examiner believes and is examining the limitation as an electromechanical/analog time-watch, as discloses in the specification, the time-watch is not totally mechanical due to the usage of a power driven source and circuitry involved. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 11, 15, 16, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baroche [US 4,985,878] in view of Sekiya et al. [US 4,246,602].

Regarding claims 1-4 and 15-16, Baroche teaches a portable two-way wireless communication device, comprising a first casing [3] having an operational section [a conventional time-watch including a dial face; figure 2] on an outer side of the casing; a second casing having a display [figure 3], the display section displays an image or information concerned with an incoming answerphone [the device being a mobilephone; column 1; line 65]; a hinge [4] connecting the first casing with the second casing, the hinge producing a foldable structure so that the operation section is opposite to the display section [figures 1-4].

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Baroche discloses the claimed invention except for the display section having a larger display area than the dial of the time-watch.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have the display section larger than the dial of the time-watch since it has been held that where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. In *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984).

Baroche discloses the claimed invention except for wherein the time-watch being a mechanical/analog time-watch in synchronization with the display.

Sekiya et al. disclose an electronic device having both an electro-optical display and a mechanical time-watch in synchronism with each other [figure 3].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the mechanical time-watch and the synchronization design as teaches by Sekiya et al. with the time-watch of Baroche to facilitate an analog time indication.

Regarding claims 11 and 20-22, Baroche teaches a flip portable information device, comprising: a foldable casing and at least one of an analog/mechanical time-watch on a side of the casing facing an exterior when the casing is closed, the at least

one of the analog/mechanical time-watch and the portable information device having a common power source [column 3, lines 21-24].

Claims 5 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baroche, as modified, in view of Pikula [6,269,055].

Baroche, as modified, disclose the claimed invention except for the analog/mechanical time-watch being a radio-controlled watch that automatically corrects time.

Pikula teaches an analog/mechanical time-watch 10/12 being a radio-controlled watch that automatically corrects time [column 3, lines 5+; FIG. 1].

It would have been obvious to a person skilled in the art at the time of the invention to adapt the mechanical time-watch of Yamada to include automatic correction means to correct the mechanical time-watch movement. By including radio-controlled correcting means, a clock may be automatically updated while crossing time zones and specific parts of the country where simple antennas cannot receive the proper signals.

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable as being unpatentable over Baroche, as modified, in view of Yamada [US 5,75,653] in further view of the Admitted Prior Art.

Baroche, as modified, discloses the claimed invention except for the analog/mechanical time-watch indicating functional information of the portable information device with hand or mechanically, in addition to time indication, wherein the device includes a dial plate that include: an area to indicate the functional information of the portable information device with hand or mechanically, separately from the time

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information, wherein the watch indicating the information on an incoming email or an incoming answer phone with hand or mechanically, the watch providing stepwise remaining-power indication with hand or mechanically depending on the remaining power, as well as the watch providing a stepwise receiving-sensitive indication with hand or mechanically depending on the receiving sensitivity of the communication function.

Yamada teaches an analog wristwatch-paging receiver comprising an analog indicating functional information of the device with hand 20 or mechanically, separately from the time information, wherein the device includes a dial plate 12 that includes an area to indicate the functional information of the portable information device with hand or mechanically, separately from the time information, wherein the watch indicating the information on an incoming email 22e or an incoming answer phone 22f with hand or mechanically, as well as the watch providing a stepwise receiving-sensitive indication 172 with hand or mechanically depending on the receiving sensitivity of the communication function [column 2, lines 33+; column 3, lines 1+; FIG. 1, 12-14].

Although Yamada teaches the analog hands indicating functional information other than time, both references fail to teach a stepwise indication of remaining power. It would have been obvious to a person skilled in the art at the time of the invention to adapt the analog/mechanical time-watch hands design of Yamada with Baroche, as modified, to display received functional information such as email reception, as well as current time information. Also, as Yamada shows email, call home, call office, etc. designations about the dial plate, it would have also been obvious to provide an battery power

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indicator used in conjunction with the analog hands to display remaining power in order to alert the user of impending power termination.

Claim 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baroche, as modified, in view of Okeya [US 6,424,600 B1].

Baroche, as modified, discloses the claimed invention except for a solar battery usable as an auxiliary power source or a self-generating device to convert rotation of an oscillating weight to electricity, wherein the electricity generated by the self-generating device being supplied to a circuit of a telephone.

Okeya teaches a portable electronic device 1 that includes a self-generating device 40 to convert rotation of an oscillating weight 45 to electricity, wherein the electricity generated by the self-generating device being supplied to a circuit of a telephone [column 21, lines 49-56], wherein in the Prior Art of the Okeya reference, it is stated that it is established in the art that solar cells and solar energy is utilized to prevent a portable information device from running out of power [column 1, lines 12+; column 5, lines 45+; column 6, lines 1+; FIG. 3).

It would have been obvious to a person skilled in the art at the time of the invention to adapt Baroche, as modified, to include either solar cells or self-generating means to provide additional sources of power. By providing auxiliary forms of power, the apparatus is prevented from running out of power. It is well established in the art of timekeeping and horology that backup or auxiliary power sources are used to power watches so as to prevent use termination, and therefore the limitations of a solar battery or an oscillating weight are not novel limitations to the present invention.

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Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baroche, as modified, as applied to claim 1 above, and further in view of Yamada et al. [US 4,985,878].

Baroche, as modified, disclose the claimed invention except for the placement of the time-watch at the backside of the display section.

Yamada et al. Disclose an electronic device comprising a time-watch positioned at the backside of a display section [figures 2a-b].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the time-watch and display section configuration of Yamada et al. with Baroche, as modified, to provide additional space usage and aesthetic enhancement.

Response to Arguments

Applicant's arguments with respect to claims 1-5 and 9-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tsp



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